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SUBJECT: SEPTEMBER 3 U.S.-EU TROIKA CONSULTATIONS ON ARMS CONTROL AND GLOBAL DISARMAMENT (CODUN)

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1. (SBU) Summary: The U.S. and the Dutch EU presidency on September 3 conducted semi-annual CODUN consultations in Brussels on UN disarmament issues. Subjects covered included U.S./EU priorities, UNFC, UNDC, CD, FMCT, landmines, CWB, BWC, CCW, CTBT, Libya, Luxembourg, upcoming EU presidency, and potential changes in Dutch representation at the CD. Participants are listed in para 23 below.

Action items:

-- Para 13: The Dutch asked whether it would be useful for the EU to mediate U.S.-Russian differences over Aberdeen and other CW facilities. The EU was serious about wanting to be of assistance in breaking the deadlock. The U.S. side undertook to report the EU's offer to Washington and communicate any U.S. reaction through USEU.

-- Para 20: On the U.S.-EU Summit declaration, the U.S. promised fuller comment during September 28 CONOP consultations.

End Summary.

U.S. and EU Priorities

2. (SBU) U.S. and EU delegations met in Brussels on September 3 for semi-annual consultations on UN disarmament issues. Reviewing EU priorities, which focused on advancing the EU's WMD strategy paper, the EU side highlighted revitalization of the UNGA First Committee (UNFC); promotion of multilateral agreements, including the Comprehensive-Test-Ban Treaty (CTBT); adoption of a work program for the Conference on Disarmament (CD); improving control of man-portable air defense systems (MANPADS), which was more important than ever, due to potential use by terrorists; and encouragement of universal acceptance of the Ottawa Convention on anti-personnel mines. The U.S. side remarked on the improved political atmosphere in arms control discussions in New York and Geneva, which it hoped would prove sustainable. Delegation members pointed to reform of the UNFC as an issue that remained a U.S. priority, and expressed optimism about continued cooperation to this end with the EU.

UNGA First Committee

3. (SBU) The U.S. welcomed the EU's response to last year's First Committee resolution on improvement, noting that we plan to follow up this year with a draft resolution recommending specific measures to enhance the Committee's working methods. The U.S. hoped to be able to share this with the EU soon. The U.S. also is exploring with Russia the possibility of introducing a joint draft resolution on bilateral nuclear arms reductions; the Russians seem interested, but we are still considering specific resolution language. Elaborating on reform, the U.S. noted that changes can take place only gradually, with leadership from key countries on measures such as reducing the number of agenda items. It was for this reason that the U.S. response to the UN had cited the work of specific governments as proof that other countries had provided contributions of merit.

4. (SBU) The EU side replied that the EU would look at the U.S. draft resolution with great interest, and predicted that it would be in line with EU thinking. The willingness of national governments to merge resolutions was not something that the EU Presidency could prescribe -- the Presidency could encourage them to do so, but could not actually make them. The EU presidency noted its strong interest in coordinating in New York "at 25," which it was finding "quite a challenge." On some topics, EU member states would have to work things out on their own rather than through the EU. The EU was working toward common positions on resolutions where there used to be split votes, although only it was likely that the EU would only be able to agree on one common position. The bad news was that a new resolution on The Hague Code of Conduct (HCOC) was in the work; this would

be another draft resolution to add to the UNFC,s agenda, despite our common efforts at reduction.

15. (SBU) The EU then sought U.S. views on the Argentine draft resolution on Confidence and Security Building Measures (CSBMs) and on the draft MANPADS resolution. Regarding the Argentine CSBM draft, the U.S. side explained that the U.S. had encouraged Argentina to table its resolution to preserve the work on conventional CBMs that the UNDC had conducted during 2001-03. The U.S. might co-sponsor that resolution and the draft MANPADS resolution.

United Nations Disarmament Commission (UNDC)

16. (SBU) The U.S. side was not optimistic about the prospects for the UNDC. U.S. representatives expressed their disappointment that the EU -- despite productive discussions with the Irish EU Presidency in January -- did not consult with the U.S. before tabling a draft agenda last April. The U.S. side recalled that the Non-Aligned refused to consider the EU proposals, preferring to negotiate on the basis of the U.S. proposals for the UNDC agenda, and that the EU had to seek U.S. support to participate in those negotiations. The Dutch EU presidency seemed uninformed about those events, but accepted that U.S.-EU communications on the UNDC had broken down at some point. The EU sought clarification of the U.S. assertion that the future of the UNDC needed to be reconsidered. The U.S. replied that the U.S. will propose to the UNDC chair (Georgia) devoting one year to examining UNDC institutional reform. If the impasse over the UNDC agenda is not resolved during the first week of the First Committee, the U.S. might table an alternate draft resolution. The EU side reiterated that it continued to view the UNDC as an important forum for allowing non-CD countries to express their opinions, but that EU member states agreed that the UNDC could be improved.

Conference on Disarmament (CD)

17. (SBU) The EU underscored concerns about the lack of a CD work program for the eighth straight year. How long can a body that does not do anything be kept alive? The U.S. commented that the history of the "Five Ambassadors" (A-5) proposal for a CD work program has led the U.S. to conclude that it is unlikely to command consensus in the future. Realistically, it also is highly unlikely that a long-inactive CD currently could take on more than one or two negotiations at the same time; as a result, the U.S. has been urging the CD to agree to begin work on the U.S. proposals on FMCT and persistent landmines -- it is an opportunity for a fresh start. Though this year,s CD session would end on September 10, the debate generated by the two U.S. proposals has served as a useful platform from which the U.S. and the EU should work in tandem to develop a consensus on a program of work early next year. The U.S. hoped that EU governments will instruct their delegations in Geneva to support the U.S. proposals without linkage to other issues or within a balancing formula.

18. (SBU) The Dutch EU Presidency noted an evolution in EU thinking, and suggested that "packaging" might be the only way toward establishing a program of work. Delinking, from the EU,s perspective, would unravel the possibility of getting anything done. The U.S. side reiterated that each prospective CD agenda item should be considered on its own merits, and that efforts to link them constitute a formula for continued stalemate at the CD.

Fissile Material Cutoff Treaty (FMCT)

19. (SBU) The EU side welcomed the conclusion of the U.S. review on the FMCT, and asked for a brief readout of U.S. briefings in Geneva earlier that week, which had focused on verification. The U.S. side reported that consultations had gone well and had included contacts with a broad range of delegations, but were only the start of a long process. The U.S. would seek early action in January at the CD for a negotiating mandate, but would maintain that the FMCT, unlike the NPT or other agreements, was not verifiable. If Canada reintroduced its traditional verification resolution in the UNFC, the U.S. would not be able to support it if its text were similar to that of past years. The Dutch EU Presidency then asked how the GON and/or the EU could pose FMCT questions to the USG. The U.S. side invited the EU Presidency to forward any questions regarding an FMCT through either USEU or State/AC/ISN.

Persistent Landmines

10. (SBU) The EU side stated that the EU was studying the U.S. proposal at the CD for an international agreement to ban the sale or export of all persistent landmines, but cautioned that most EU countries give priority to existing instruments, especially the Ottawa Convention. The U.S. side reiterated its hope that EU governments at the CD will be able to support negotiations on this subject early next year, pointing out that the U.S. had chosen the CD as the venue in order to avoid confusion with the Ottawa Convention or other demining issues.

Chemical Weapons Convention (CWC)

11. (SBU) The U.S. side stated that this fall's Conference of CWC States Parties would mark the mid-point of the Article II Action Plan on national implementation of the Convention. It is an ideal opportunity to assess progress to date and to set the agenda for the coming year, and the U.S. sees meaningful progress in a number of capitals on implementing measures. The past year also has been an exercise in gathering data about the status of implementation in various countries and the obstacles that they face. One frequent problem is that many countries indicate that they are having difficulty and would welcome assistance, but appear to have only vague ideas concerning the sort of assistance needed. Giving this issue a high profile at the Conference will maintain pressure; it also will let us "fine tune" the second year of the Action Plan.

12. (SBU) The EU side replied that CWC was a successful treaty and a successful organization; under its new leadership, it was well under way to fulfilling its mandate. EU policies dovetailed with U.S. remarks about some countries not having implemented all the provisions, and the EU hoped that financial contributions would help those countries along the way. The European Commission (EC) representative noted that this was part of the EU's WMD strategy, and that the EU representative for WMD nonproliferation efforts, Annalisa Giannella, has discussed this issue with the OPCW. They were considering three areas of effort: supporting OPCW action on CWC universalization (conferences, etc); supporting national implementation with technical or other assistance; and chemical sector cooperation programs. The EC rep noted other EC programs: with the Russians on the construction of CW destruction facilities at Gornyy; with the U.S. and the UK on CW facilities at Shchuch'ye and Kambarka; and with the Germans, as well as preliminary talks with Sweden. The EU's proposed budget for 2007-2013 dedicated additional funding to disarmament and non-proliferation, and could support chemical weapons destruction, especially in Russia.

13. (SBU) Looking at the OPCW's draft budget for 2005, the U.S. side pointed to the proposed 4.8 percent increase, remarking that, although the U.S. has not finalized its position on this proposal, it is inconsistent with overall U.S. budget policy in favor of zero-nominal-growth budgets in international organizations. The U.S. and EU members should work hard for a budget agreement at the October Executive Council session; budget negotiations at the Conference usually are an opportunity for Non-Aligned "crisis" tactics to increase funding. The EU side replied that the EU had discussed the 4.8 percent funding increase the previous day. Some member states felt that the increase would be hard to agree to, but saw value in extra funding for OPCW for additional inspections. The EU would review this again in The Hague on September 9. On challenge inspections, the EU now was developing a draft OPCW action plan that it hoped to discuss with key WEOG partners, including the U.S. The EU side also asked about Aberdeen, inquiring whether it would be useful for U.S.-Russian discussions to be opened to others. The U.S. side undertook to report the EU interest to Washington.

Biological Weapons Convention (BWC)

14. (SBU) Reviewing the July experts' meeting on disease surveillance, suspicious outbreaks, and alleged use of BW, the U.S. side described the gathering as very successful, providing a useful opportunity to exchange information and enhance international contacts. The U.S. believed that this and other meetings encourage BWC States Parties to implement the BWC, and hoped that all States Parties would be able to report by 2006 that they have fully implemented the Convention -- an imperative reinforced by UN Security Council Resolution 1540. This year's meetings already have made progress, but an Annual Meeting document drafted by Chairman Goosen would need to highlight strengthening public health networks and mechanisms for disease surveillance; increasing support for the World Health Organization and other international bodies; agreement for prompt notification of an outbreak; and improved coordination and assistance among States Parties on public health and disease surveillance.

The EU side agreed with the overall positive assessment of the experts' meeting in Geneva, particularly the constructive participation, including by NAM countries, and little politicization, other than Iranian efforts. The EU side added that both sides needed to collaborate on keeping politicization out and enforcing discipline on the NAM in steering the agenda for the Meeting of States Parties in December. The EU will coordinate with the U.S. on this in Geneva.

Convention on Certain Conventional Weapons (CCW)

15. (SBU) The EU side affirmed that, regarding mines other than anti-personnel mines (MOTAPM), it was too early to find a common denominator between a total ban and unconstrained use. The EU wished to integrate the Irish proposal with other parameters for mine use. On Explosive Remnants of War (ERW), the EU highlighted the successful adoption of Protocol V and said that it would push for rapid entry into force. The EU envisioned a two-stage approach to compliance, beginning with a consultation process, followed by the subscription by States Parties to more stringent regulations. These would include the referral of violations to a committee of experts, followed by a fact-finding mission. (COMMENT: The latter stage is one that the EU would like to add to current procedure. END COMMENT) This would require either creating a new protocol, or amending/adding on a less formal agreement that would be faster, yet politically (vice legally) binding. The EU may call for consultations on this subject under Article 13.

16. (SBU) The U.S. side stated that Washington was prepared to continue the discussions of measures to prevent munitions from becoming ERW. The U.S. supported calls by several states, including The Netherlands, to focus on implementation of existing best practices and safeguards, including the implementation of the new ERW protocol by states in a position to do so. The international community should evaluate the implementation of the ERW protocol that was just negotiated before any consideration is given to starting a new negotiation on this subject. The U.S. Administration currently is reviewing the protocol to determine whether to submit it to the Senate to seek its advice and consent to ratification. In any case, the U.S. could not support a moratorium or ban on the use of cluster munitions, as some NGOs are advocating. Such munitions have a legitimate role in military operations, and do not necessarily create greater humanitarian problems than other munitions.

17. (SBU) The U.S. side observed that the U.S. and the EU are generally on the same track regarding MOTAPM. The U.S., which plans to get rid of all its persistent landmines, could support the Irish proposal. We are urging fellow co-sponsors of the 30-nation proposal to take it on board, and have found encouraging the apparent movement of India towards the approach set forth in this proposal. However, China, Russia, and Pakistan still reject the need for a MOTAPM protocol, arguing that the detectability and self-destruct/self-deactivate requirements could create military problems or be too expensive to implement. The U.S. intended to approach those governments bilaterally during the intersessional period to demonstrate that reasonable restraints on MOTAPM can be agreed without prejudicing legitimate security concerns, and encouraged similar efforts by EU countries. The U.S. also is urging NGOs to make clear that anti-vehicle mines are indeed a humanitarian problem, and plans to work with Germany to fund a study on this issue through the Geneva International Center for Humanitarian Demining (GICHD). The U.S. plans to meet with the Russians in early October to review their technical concerns; their willingness to engage in this way gives us some hope that we can bring them around. The U.S. does not believe that another mandate for the Group of Governmental Experts (GGE) is necessary for the group to negotiate on a MOTAPM protocol. The current mandate provides sufficient authority, and those who want to obstruct progress will use a debate on revising the GGE mandate to prevent action.

Comprehensive Nuclear Test Ban Treaty (CTBT)

18. (SBU) The EU noted the great importance that it attaches to the treaty's entry into force, which is one of the 13 Steps agreed to at the 2000 Nuclear Non-Proliferation Treaty Review Conference and slated to be reviewed at next year's RevCon. The U.S. reaffirmed its opposition to the CTBT and its intention not to ratify the CTBT. That said, the U.S. funds and participate in 95 percent of Preparatory Commission activities, and continues to observe a nuclear testing moratorium. The two sides then discussed potential leadership changes at the IAEA and the Provisional Technical Secretariat (PTS). The U.S. asserted that succession in

these organizations should be considered in the context of turnover in other UN agencies over the next year, but hoped that the process for seeking a new PTS Executive-Secretary would move ahead in order to ensure a smooth transition next year. Asked for EU views on succession issues, EU participants offered little on the PTS, but said that IAEA Director-General el-Baradei could, under the two-term/12-year rule, have a third term, as he has been in office for less than twelve years. The U.S. side also mentioned that the unfavorable exchange rate between the dollar and the euro, among other issues, have placed serious constraints on the availability of funds for the U.S. assessment for 2005, and could shape our response to possible G-77 calls for budget cuts at the November meeting.

19. (SBU) FYI: AC/ISN Director Robert Luaces was laying out the U.S. case against the CTBT when his wristwatch alarm unexpectedly went off. After a momentary silence captured the meeting room, Luaces quipped, &Sorry: that was Washington alerting me that I,m saying too many positive things about the CTBT. I,d better stop now, before my watch explodes and takes my wrist with it!8 A brief bout of laughter ensued. END FYI

US-EU Summit Declaration

20. (SBU) The EU side reviewed the statement, noting that the EU continues to promote the universalization of disarmament and non-proliferation treaties. Many of the follow-up issues were more appropriate for CONOP. The EU supported UNSCR 1540, which lists steps that states should take to counter proliferation of WMD and its delivery systems, and planned to report as early as possible) hopefully, by the October 28 deadline -- on the status of European efforts. As the relevant competences within the EU usually were national, rather than European, there would be separate EU and national reporting to reflect these differences. Regarding the IAEA Additional Protocol, the EU had undertaken a round of demarches, and found that non-adherence in most countries was a matter of institutional delays, rather than of policy. On the Global Threat Reduction Initiative, the EU Presidency had done a quick survey and determined that member states planned to attend at the senior policymaking (vice political) level. On the Convention on the Physical Protection of Nuclear Materials, there were some difficulties within the EU, including admittedly tepid support from The Netherlands. Regarding the Hague Code of Conduct (HCOC) against ballistic missile proliferation, the EU supported universal adherence, and had sent out a round of demarches aimed at increasing support for the Chilean resolution in the First Committee and asking non-adherents to become parties. The U.S. side thanked the EU side for this review, and promised to provide responses on these issues during the September 28 U.S.-EU CONOP meeting.

Libya

21. (SBU) The EU side asked for an update on WMD dismantlement efforts in Iraq and Libya, and was particularly interested in what the U.S. was doing to assist unemployed WMD scientists. The U.S. side explained that Washington was looking at expanding our current program with the Russians and trying similar work with Libya, which was made various proposals regarding conversion of its CW production facility at Rabta. The EU Presidency described a "complete meeting of minds" within the EU on conversion, although the details still needed to be worked out. Both sides agreed on the importance of ensuring that Libya not see its WMD renunciation as an opportunity to seek "rewards" for good behavior.

Luxembourg/Netherlands

22. (SBU) The Luxembourggeois informed the U.S. side on the margins of the meeting that the GOL has asked The Netherlands to continue to represent the EU presidency on CODUN and CONOP issues during Luxembourg,s EU presidency during the first half of 2005. The Dutch confirmed this arrangement. The Dutch also stated privately that, if the CD failed to adopt a program of work by the end of the extended Dutch EU presidency in June 2005, The Hague would &have8 to consider closing its separate diplomatic representation at the CD. Were this to happen, The Netherlands UN Mission in Geneva would represent the GON at the CD. (COMMENT: Of 65 CD member states, only twelve (including the U.S.) have separate delegations in Geneva accredited to the CD. END COMMENT)

Participants

123. (U) AC/ISN Director Robert Luaces led the U.S. delegation, which included U.S. CD Deputy Representative Thomas Cynkin and USEU PolOff Maren Smith (notetaker). The Dutch EU Presidency was represented by MFA Nonproliferation and Nuclear Affairs Director Paul Wilke, Deputy Director of the Arms Control and Arms Export Policy Division Freek Keppels, Policy Officer Elke Merks-Schaapveld, and CD Deputy Representative Daniel Prins. Robert Lauer and Tim Kessler attended for the upcoming Luxembourgish EU Presidency. Council Secretariat participants were Andreas Strub, Tomas Reyes-Ortega, and Jean-Claude Brunet from the Office of the Personal Representative of the High Representative for Non-Proliferation of WMD. Commission attendees were Marc Deffrennes, Head of the Non-Proliferation and Disarmament Unit; Laura Ligouri, from the Non-Proliferation and Disarmament Unit; and U.S. Desk Officer Andrew Denison. This meeting marked the broadest EU representation at U.S.-EU CODUN consultations in recent memory.

124. (U) AC/ISN Director Luaces has cleared this cable.

McKinley